THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18423 of 2006

Dated:22.2.2007

Between
Siddabathula Nageswara Rao

.....Petitioner

and

1.The Flag Officer, Commanding
in chief, Head quarters, Eastern Naval
Command, Visakhapatnam and
Others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18423 of 2006

ORDER:

This writ petition is filed seeking a Certiorari to call for the records pertaining to Memorandum CE/2721/SNR dated 25.7.2006 on the file of the 1st respondent and to quash the same.

Under the impugned proceedings, articles of charge were framed against the petitioner on the ground that he obtained employment in the naval service by producing a false certificate showing that he belongs to 'Kondakapu' community (ST). In fact, the petitioner on attaining the age of superannuation retired from service on 30.7.2006. Meanwhile, the impugned order was passed on 25.07.2006

There is no necessity go to into all the

details.

The competent authority to cancel the caste certificate is Revenue Department concerned. The Collector after conducting a detailed enquiry into the matter seems to have cancelled the certificate obtained by the petitioner. However, aggrieved by the same, the petitioner herein filed an appeal before the Government and the same is pending. During the pendency of the appeal, when the stay petition filed by the petitioner has not been disposed of, he filed WP No.6529 of 2006 and the same was disposed of on 3.4.2006, granting stay of the impugned proceedings therein i.e., cancellation orders passed by the Collector, during pendency of the appeal before the Government. The said appeal before the Government is still pending.

In view of the above, the 1st respondent ought not to have proceeded with the framing of articles of charge for conducting a domestic enquiry into the said matter. Therefore, the

impugned proceedings dated 25.7.2006 contemplating to conduct enquiry into the matter as of now does not arise and they are liable to be set aside.

Writ petition is allowed and the impugned proceedings dated 25.7.2006 are set aside. No costs.

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22-02-2007

Note: Issue CC by one week
B.O) rkk